

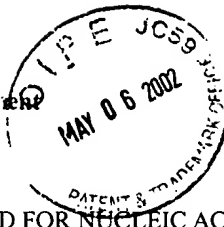
Response to Restriction Requirement

Huang et al.

Serial No.: 09/685,940

Filed: 10 October 2000

For: NEUTRAL CATIONIC LIPID FOR NUCLEIC ACID AND DRUG DELIVERY



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PATENT

Docket No. 5325-0166.30

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s):	Huang et al.)	Group Art Unit:	1615	COPY OF PAPERS ORIGINALLY FILED
)			
Serial No.:	09/685,940)	Examiner:	G Kishore	
)			
Filed:	13 December 2000)			
For:	NEUTRAL CATIONIC LIPID FOR NUCLEIC ACID AND DRUG DELIVERY				

RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner for Patents
Washington, DC 20231

Dear Sir:

In response to the Office Action/Restriction Requirement mailed 20 February 2002, please enter the following remarks in the above-identified application as follows:

In response to the Restriction Requirement, Applicants hereby elect, with traverse, the claims set forth in Group I, (claims 1-18, 28-32), drawn to liposome compositions and a method of treatment. The Restriction Requirement is hereby traversed on the basis that restriction requirements are optional in all cases (M.P.E.P. §803). If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it arguably may include claims to distinct or independent inventions (M.P.E.P. §803).

In the present application, as the elected claims are closely related to the claims of Group II (drawn to lipid compounds), the search and examination of all the claims can be made without serious burden upon the Patent Office. In particular, the claims of Group II can be efficiently and

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effectively searched in a single search with no additional burden placed on the Examiner. That is, all the claims are so interrelated that a search of one group of claims will reveal art to the other.

Thus, were final restriction to be effected between the claims of Groups I and II, a separate examination of the claims in these groups would require substantial duplication of work on the part of the U.S. Patent and Trademark Office. Even though some additional consideration would be necessary, the scope of analysis of novelty of all the claims of Groups I and II, would have to be as rigorous as when only the claims of Group I, for example, were being considered by themselves. Clearly, this duplication of effort would not be warranted where these claims are so interrelated. Furthermore, Applicants respectfully submit that for restriction to be effected between the claims in Groups I and II, it would place an undue burden upon the Applicants by requiring payment of separate filing fees for examination of the nonelected claims, as well as the added costs associated with prosecuting three applications and maintaining three patents.

Summary

The Examiner is invited to contact Applicants' Representative at the below-listed telephone number if it is believed that prosecution of this application may be assisted thereby.

CERTIFICATE UNDER 37 C.F.R. 1.8

The undersigned hereby certifies that this paper is being deposited in the United States Postal Service, as first class mail, in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on this 18 day of April, 2002.

Katrina M. Ghafghaichi
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Respectfully Submitted,

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18 APRIL 2002
Date

By:

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